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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2175

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,199	Applicant(s) VASONE, RODOLFO	
	Examiner THANH T. VU	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(c)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This communication is responsive to Amendment, filed 02/07/2011.

Claims 1-13 are pending in this application. In the Amendment, claims 1, 6, 13 have been amended. This action is made Final.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In addition, the specification provides no examples or explanations of the instant application from start to finish instructing one skill in the art of how to construct the instant application without undue experimentation.

Claim 1, recites newly added limitation localization within the place of interest.”

There is no support from the original specification for the claim subject matter. The examiner requests that the applicant direct the examiner to where there is support for the limitation.

Claim 1 recites the limitation of “an electronic equipment having a monitor and a device for controlling movement of an icon of a display screen that possesses an instantaneous menu of search.” It is unclear from the specification where there is a support for the limitation. The

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examiner requests that the applicant direct the examiner to where there is support for the limitation.

Claim 1 recites the limitation of “the program generate a three dimensional image showing the shortest and best route to be followed by the user from a point at which the user identifies the desired destination to the desired destination along with notes about the shortest trajectory to be covered by means of an object movement.” It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation.

Applicant's remarks page 8 states "applicant has properly identified previously that support for the amended claims are found in the originally filed claims." The examiner does not agree that each and every elements of the amended claim are supported by the original claims. It is noted that the original claims are full of 35 U.S.C 112, first paragraph and second paragraph rejections as described the non-final action dated 03/10/2010. It is unclear to the examiner where there is support the each and every elements of amended claim 1 as rejected above. The Amended claim 1 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Accordingly, the specification fails to provide the written description requirement for claims 1-6.

Claim 6 recites the limitations of:

a device configured to generate and display a three-dimensional **simulation path from a first point to a second point within a place of interest selected by a user** (It is unclear from

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the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation), the device comprising:

a monitor having a display screen (It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation);

a device for controlling movement of an icon in the display screen (It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation); and

a computer readable medium including computer executable instructions, wherein the instructions, when executed, implement a method for generating and **displaying the three-dimensional simulation path from the first point to the second point within the place of interest selected by the user** (It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation), the method comprising:

selecting the place from a search menu in the display screen (It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation);

identifying the first and second points within the place of interest (It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation);

generating the three-dimensional simulation path from the first point to the second point (It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation); and

displaying the three-dimensional simulation path on the display screen with an object in movement (It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation).

Page 9 of the applicant's remarks states "as to claim 6, support is also found in the originally filed claim 1." The examiner does not agree that each and every elements of the amended claim are supported by the original claims. It is noted that the original claims are full of 35 U.S.C 112, first paragraph and second paragraph rejections as described the non-final action dated 03/10/2010. It is unclear to the examiner where there is support the each and every elements of claim 6 as rejected above. Claim 6 had been added in the amendment dated 03/21/2010 which contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Accordingly, the specification fails to provide the written description requirement for claims 6-13.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "an electronic equipment having a monitor and a device for controlling movement of an icon of a display screen that possesses an instantaneous menu of search ". It is unclear of what possesses an instantaneous menu of search.

Claim 1 recites "a three dimensional image showing the shortest and best route to be followed by the user from a point at which the user identifies the desired destination to the desired destination. It is unclear how the user identifies the desired destination to the desired destination.

Claim 6 recites "the three-dimensional simulation path from the first point to the second point within the place of interest selected by the user." It is unclear how a simulation path from the first point to the second point is within the place of interest selected by the user.

Claim 6 recites the limitation "the place". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kida (US 2006/0092155).

Per claim 1, Kida teaches computer-based device configured to generate a three-dimensional image for facilitation a localization within a place of interest selected from the group comprising departments, store, items in exposition, numbered seats and strategic points of great shopping centers, museums, big stores, supermarkets, companies, houses of entertainment, theaters, fairs, and events the device (figs. 28 and 32; [0210]) comprising:

an electronic equipment having a monitor and a device for controlling movement of an icon of a display screen that possesses an instantaneous menu of search (figs. 9, 32 and 38; [0195]; [0196]; [0209]; [0219]) and

a computer program installed in the electronic equipment, wherein the computer program searches the place of interest of the user in different categories of search (fig. 9 and 32; [0195]; [0196]; [0209]), so that, when the user identifies a desired destination, the computer program generate a three dimensional image showing a shortest and best route to be followed by the user from a point at which the user identifies the desired destination to the desired destination ([0195]; [0196]; [0209]; [0211]; [0212]; [0219]; which shows calculating the shortest path) along with notes about the shortest trajectory to be covered by means of an object movement (figs. 9, 32 and 38; [0140]; [0210]; [0211]; [0219]; which shows arrows indicating a direction of travel (i.e. notes) of a user movement ; fig. 38 with notes 20301 and 20302).

Per claim 2, Kida teaches the computer oriented way device by three-dimensional image according to claim 1, wherein the computer program, in the electronic equipment, execute in real

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time, illustrating instantaneously where the products, places or items looked by the user are situated (Kida, [0034]; [0043]; [0113]; [0210]).

Per claim 3, Kida teaches computer oriented way device by three-dimensional image according to claim 1, for where the computer program displayed promotion mechanisms that use audiovisual resources, as a way to call the attention the customers and visitors of the place where the electronic equipment contained in the program is installed (Kida, [0098]; [0211]).

Per claim 4, Kida teaches computer oriented way device by three-dimensional image according to claim 1, the computer program is freely available for consultation in the world-wide network of computers (Kida, [0098]; [0115]).

Per claim 5, Kida teaches computer oriented way device by three-dimensional image according to claim 1, the computer program is carried on a CD or similar media for free distribution to customers ([0024]).

Per claim 6, Kida teaches a device configured to generate and display a three-dimensional simulation path from a first point to a second point within a place of interest selected by a user, the device comprising:

- a monitor having a display screen ([0093]);

- a device for controlling movement of an icon in the display screen ([0093]; and

- a computer readable medium including computer executable instructions, wherein the instructions, when executed, implement a method for generating and displaying the three-dimensional simulation path from the first point to the second point within the place of interest selected by the user ([0095]; [0209]; which shows calculating a path between two points), the method comprising:

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selecting the place of interest from a search menu in the display screen (fig. 28);

identifying the first and second points within the place of interest ([0209]; which shows paths are calculated between two points);

generating the three-dimensional simulation path from the first point to the second point ([0210]; [0219]; which shows a path that the user should follow); and

displaying the three-dimensional simulation path on the display screen with an object in movement (figs 9, 32 and 38; [0210]; [0219]; which arrows indicating direction of travel of a user movement).

Claims 7 and 10-12 are rejected under the same rationale as claim 2, and 3-5 respectively.

Per claim 8, Kida teaches the device according to claim 6, wherein the three-dimensional simulation path is a shortest and best route from the first point to the second point ([0209].)

Per claim 9, Kida teaches the device according to claim 8, wherein the displaying further comprises displaying notes about the shortest best route (figs. 9, 32 and 38; [0140]; [0210]; [0211]; [0219]; which shows notes on direction of travel ; fig. 38 with notes 20301 and 20302.)

Per claim 13, Kida teaches the device according to claim 6, where the place is selected from the group comprising departments, store, items in exposition, numbered seats and strategic points of great shopping centers, museums, big stores, supermarkets, companies, houses of entertainment, theaters, fairs, and events (figs. 28 and 32; [0210].)

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's remarks page 10 states "As to the question that it is unclear "how the user identifies the desired destination to the desired destination" in Claim 1, Applicant respectfully submits that the shortest and best route to be followed by the user is from a first point to a second point, i.e., from "a point the user identifies the desired destination" (the first point) to the "desired destination" (the second point)." The examiner does not agree because the claim language does not specify that the user identifies "the first point" and "the second point." The claim recites "the user identifies a desired destination." Therefore, it is unclear how the system would generate a shortest and best route from "the first point" to "the second point" when the user identifies only one desired destination.

Applicant's remarks page 11 states "Finally, as to the question that it is "unclear how a simulation path from the first a point to the second point is within the place of interest selected by the user," Applicant respectfully notes that the place of interest may be selected from the group comprising departments, stores, items in exposition, numbered seats and strategic points of great shopping centers, museums, big stores, supermarkets, companies, houses of entertainment, theaters, fairs, and events, as recited in Claim 13." It is noted that 35 U.S.C 112 second paragraph is for claim 6. Thus the features that the applicant relies (i.e., the place of interest may be selected from the group comprising departments, stores, items in exposition, numbered seats and strategic points of great shopping centers, museums, big stores, supermarkets, companies, houses of entertainment, theaters, fairs, and events) are not recited in the rejected claim.

Lastly, Applicant's remarks page 13 states "Applicant further respectfully submit by way of example and not of a limitation that those of ordinary skill in the applicable arts understand

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that in the present disclosure the means of an object in movement may be represented by a 3D animation or movie of a trajectory to be followed by a user from a starting point to a desired destination within an actual place of interest showing a realistic rendition of all details of an actual route to be followed.” In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the means of an object in movement may be represented by a 3D animation or movie of a trajectory to be followed by a user from a starting point to a desired destination within an actual place of interest showing a realistic rendition of all details of an actual route to be followed) are not recited in the rejected claim(s).

Accordingly, Kida teaches the claim limitation of “generation of a three-dimensional image showing the shortest and best route by means of an object in movement” for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

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In this case, Kida teaches generation of a three-dimensional image showing the shortest and best route by means of an object in movement ([0209]; [0210]; [0211]) which shows calculating shortest path based on user movement.)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/

Primary Examiner, Art Unit 2175